

Appn No. 10/040,405  
Amdt. Dated May 9, 1004  
Reply to Office action of December 8, 2003

5

### REMARKS/ARGUMENTS

The Office Action has been carefully considered. The issues raised are traversed and addressed below with reference to the relevant headings and paragraph numbers appearing under the Detailed Action of the Office Action.

#### *Election/Restrictions*

We acknowledge the Examiner's indication that claims 13 to 19 are directed to an independent invention and that these are therefore withdrawn from consideration. In view of this, we are not submitting any further comments on these claims.

#### *Claim Rejections – 35 USC § 102*

In paragraph 3 and 4 of the Office Action the Examiner has maintained the objections against the claims on the basis that the distinguishing features over the prior art were limitations which did not structurally distinguish the claimed invention from the device of Han et al. We appreciate the Examiner's detailed consideration of the issue and acknowledge the Examiner's reason for maintaining the objection.

In view of this, the claim 1 has been restricted to introduce additional structural limitations over Han et al. In particular, the claim has been amended to restrict the claim to including a shaped recess forming a refracting lens. The feature of the at least one region being refractive was previously included in claim 11 which has therefore been cancelled from the application.

We note that the Examiner has objected to claim 11 on the basis of Han et al describing refraction of the radiation passing therethrough. Whilst this is the case, Han et al does not include any disclosure that the region may include a shaped recess which can form a refractive lens. A basis for these amendments can be found on page 13 lines 8 to 10 and page 14 lines 9 to 12 of the specification as originally filed.

We appreciate that as this the final Office Action, the Examiner is not bound to consider these amendments. However, we submit that these amendments do not introduce additional features for consideration as the revised claim is clearly novel and inventive over Han et al. In view of this, we would appreciate it if the Examiner would allow the application and allow it to proceed to acceptance.

Appln No. 10/040,405  
Amdt. Dated May 9, 1004  
Reply to Office action of December 8, 2003

6

In light of the above, it is respectfully submitted that the objections and claim rejections have been successfully traversed and addressed. The amendments do not involve adding any information that was not already disclosed in the specification, and therefore no new matter is added. Accordingly, it is respectfully submitted that the claims 1 to 12, and the application as a whole with these claims, are allowable, and a favourable reconsideration is therefore earnestly solicited.

Very respectfully,

Applicant:



---

KIA SILVERBROOK

C/o: Silverbrook Research Pty Ltd  
393 Darling Street  
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762